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Dated: April 16, 2008

Signature: Jeanne M. Brashear/56,301
(Jeanne M. Brashear)

Docket No.: 27611/39002A
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Guy Weinberg et al.

Application No.: 10/541,113

Confirmation No.: 4295

Filed: December 22, 2005

Art Unit: 1651

For: Organ Preservation, Protection and Resuscitation
with Local Anesthetic

Examiner: Allison M. Ford

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed March 17, 2008, Applicants hereby provisionally elect Group 1 (claims 1-9), directed to a composition comprising a perfusion solution and an amphiphatic compound for continued examination. The Examiner further required the election of a specific amphiphatic compound in the composition. In response, Applicants elect bupivacaine for continued examination. At least claims 1-9 read on the elected species.

Applicants' election is made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to not more than a reasonable number of species in addition to the elected species, provided that all claims to each additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.146.

The Examiner has required restriction between product and process claims. As stated in the Office Action, where the Applicants elect claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims that depend from

or otherwise include all the limitations of the allowable product claim will be rejoined in accordance with the provisions of M.P.E.P. § 821.04.

Dated: April 16, 2008

Respectfully submitted,

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